

Remarks

Claims 1-11, 15, 17-28 and 30-40 are currently pending in the Application, Claims 41-42 are newly presented herein and Claims 17-18, 30-31 and 39-40 are herein canceled without prejudice.

Telephone conference

Applicants thank the Examiner for the many courtesies extended during the telephone conference held on January 22, 2007.

Allowable Claims

Applicants acknowledge with gratitude the Examiner's indication of allowability as to Claims 1-11, 18-27 and 30-37.

Summary of claim amendments

This response amends Claims 15 and 38 to recite features of Claim 18 found patentable by the Examiner. No new matter has been added.

This response amends Claim 28 to recite features of Claim 31 found patentable by the Examiner. No new matter has been added.

This response cancels Claims 17-18, 30-31 and 39-40 without prejudice.

New Claims

This response adds new Claims 41-42 to more completely claim the invention. Support for the new Claim 41 can be found in the original Claims 15 and 17. Support for the new Claim 42 can be found in the original Claims 28 and 30.

In view of the previously canceled independent Claim 12, an excess claim fee for only one extra independent claim added herein is included with this response.

Rejection of Claims 1-11 on obviousness-type double patenting grounds

The Office Action asserts a rejection of Claims 1-11 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of co-pending U.S. Patent Application No. 10/436,753 in view of Allison (U.S. Patent No. 6,741,207).

Applicants note that in accordance with MPEP 804.(I)(B), a provisional double patenting rejection is only a warning and although “*the merits of [a] provisional [double patenting] rejection can be addressed by both the applicant and the examiner without waiting for the first patent to issue*” addressing such issue at this stage is not required. Therefore Applicants respectfully request the Examiner to postpone such provisional rejection and convert such provisional rejection into a non-provisional one in one of the two applications as soon as the other goes to grant. Withdrawal of this rejection is therefore respectfully solicited.

35 U.S.C. §103(a) Rejection

Claims 15, 17, 19-22, 25, 28 and 38-40 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Overbury (U.S. Patent No. 4,730,192).

Applicants acknowledge with gratitude the Examiner’s indication of allowability as to Claims 1-11, 18-27 and 30-37. Applicants disagree with the Examiner that Claims 15, 28 and 38 are obvious in view of U.S. Patent No. 4,730,192. However, in the interest of moving this application to issue, Applicants have amended Claims 15 and 38 to include features of Claim 18 found patentable by the Examiner in the Office Action and cancelled Claim 18 without prejudice, expressly reserving the right to present these or any other rejected claims or claims directed to other disclosed subject matter in a future divisional or continuation application. Applicants have also amended Claim 28 to include features of Claim 31 found patentable by the Examiner in the Office Action and cancelled Claim 31 without prejudice, expressly reserving the right to present these or any other rejected

claims or claims directed to other disclosed subject matter in a future divisional or continuation application.

New Claim 41

Applicants submit that Claim 41 is patentable over the cited art at least because it recites “wherein at least one of the MEMS switches is arranged to couple selectively the **first central point** of the switch arrangement to a **second central point** associated with another switch arrangement via a transmission line segment.” Hence, Claim 41 is patentable and should be allowed.

New Claim 42

Applicants submit that Claim 42 is patentable over the cited art because it recites features of Claims 30 found patentable by the Examiner. Hence, Claim 42 is patentable and should be allowed.

The Examiner is encouraged to contact the undersigned to discuss any other issues requiring resolution.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents POB 1450, Alexandria, VA 22313-1450 on

January 29, 2007
(Date of Deposit)

Susan Papp
(Name of Person Signing)

Susan Papp
(Signature)

January 29, 2007
(Date)

Respectfully submitted,

Alessandro Steinf
Alessandro Steinf
Attorney for Applicants
Reg. No. 56,448
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036
(323) 934-2300

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